

# LAKE BELT MITIGATION COMMITTEE

## Meeting Summary

South Florida Water Management District

3301 Gun Club Road, (B-1 Auditorium)

West Palm Beach, Florida

This meeting will be conducted as a teleconference

Meet-me number 850-488-5776 (suncom 278-5776)

November 14, 2003 9:00 a.m.

### 1. Call to Order

- a) Meeting began at 9:30 AM.

### 2. Opening Comments / Attendees

#### a) Committee Members

- a. Janet Llewellyn, DEP, Committee Chair (Teleconference)
- b. Terrie Bates, SFWMD, Committee Vice Chair
- c. Mike Spinelli, Alternate, Miami-Dade County DERM (Teleconference)
- d. John Studt, Alternate COE
- e. Veronica Fasselt, U.S. E.P.A.
- f. Jeff Rosenfeld, Alternate MF&L (Non-voting)

#### b) Other meeting attendees

- a. Tom Olliff, SFWMD
- b. Ruth Clements, SFWMD
- c. Beth McArdle, SFWMD
- d. Connie Ramsey, COE
- e. Marjorie Moore, SFWMD
- f. Jorge Marban, SFWMD
- g. Jorge Jaramillo, SFWMD
- h. Anita Bain, SFWMD
- i. Pete Schneider, SFWMD

#### c) Teleconference attendees

- a. Allen Whitehouse, DEP
- b. Howard Hayes, DEP

3. Approval of Minutes from June 6, 2003 meeting
  - a) No changes or corrections to previous Minutes: Motion to approve, Janet Llewellyn; unanimously approved.
4. Biscayne Bay Coast Wetlands (BBCW)/Model Lands Presentation: (Jorge Marban & Jorge Jaramillo)
  - a) Presented BBCW Project over view for possible long-term alternative land acquisition & mitigation. Real estate costs have been estimated at over \$200 million for the project.
  - b) Copy of power point presentation attached to these minutes. **Attachment #1**
  - c) There was a discussion of a concern that land acquisition may supplant CERP efforts. It was pointed out that a lot of the available land could be preserved as a buffer to the CERP project.
  - d) Terrie Bates will schedule a wetland assessment of the BBCW/Model Lands area early next year so the Committee will have a better idea of potential lift from preservation/restoration efforts. Information will also be brought back to the committee at the next meeting regarding the potential for reimbursement for previously purchased land within the BBCW/Model Lands. **Action #1**
5. Status on Trust Fund & Mitigation Credits in Pennsuco: (Terrie Bates)
  - a) Terrie Bates reported that for the period ending October 24, 2003 the total of the mitigation fee payments submitted to the District by the Department of Revenue was \$9,393,330.00.
  - b) Terrie Bates presented and discussed a spreadsheet titled "Credit Allocation for Treatment of Lands Owned By Others", dated 11-14-03. **Attachment #2**
6. Motion to Approve Use of Lake Belt Mitigation Funds: Reimbursement of SOR & P2000 Funds for Pennsuco. (Terrie Bates)
  - a) **MOTION by Terrie Bates:** Committee authorizes expenditure of \$6,607,977 from the Lake Belt Mitigation Trust Fund, effective August 2002, for the purchase of 1,075.9 acres of Lake Belt mitigation. The funds will be transferred from the Lake Belt Trust Fund to reimburse the District for prior purchases, restoration, and long term management of P2000 land acquisitions and portions (50% state share) of other purchases, restoration and long term management within Pennsuco.
  - b) Committee unanimously approved the motion.

7. Motion to Approve 2003 Expenditures (Terrie Bates)

- a) Extensive discussion followed on whether the estimated end-of-2003 balance of approximately \$3.5 million should be expended immediately to off set District's expenditures for restoration and long-term maintenance (thereby allowing Miner's credit for mitigation in 2003) or should be held in the Trust Fund for potential land acquisition.
- b) Marjorie Moore presented and discussed a spreadsheet titled "Status of Treatment on Parcels within Pennsuco", dated 11-14-03 (**Attachment #3**) and presented further discussion on "Credit Allocation for Treatment of Lands Owned By Others", dated 11-14-03 (**Attachment #2**).
- c) Jeff Rosenfeld presented and discussed a spreadsheet titled "Cash Flow/Expenditure Projections from Original Permit Table with Expedited Mitigation", dated 11/05/03. (**Attachment #4**). This schedule projects that \$34.5 million will be collected through the year 2011. The goal of the Miner's is to spend the money as fast as it is collected for land acquisitions and mitigation. Jeff recommends the committee spend the \$3.5 million trust fund balance before the end of 2003.
- d) John Studt, USACOE representative, recommended that Marjorie Moore of the SFWMD, maintain a spreadsheet of acres treated and ongoing mitigation maintenance costs. These costs could be reimbursed to the District by the Trust Fund at a later date, thereby allowing the Trust Fund to maintain a ready cash reserve to fund potential future land acquisitions. Mr. Studt further indicated he was agreeable to allowing the Miner's to earn 2003 mitigation credits for all treatments initiated in 2003 based upon the understanding the Trust Fund would be used to reimburse the District for restoration and long term maintenance costs. . The District would request that the Committee transfer funds, as the current treatment fund was depleted.
- e) Terrie Bates clarified that the current treatment included credits of approximately 287 acres of remaining publicly-owned land for which the District had not yet been reimbursed by either the Developer or Miner fund and approximately 780 acres of Corps-owned lands. These credits already included the assumption that the treatment costs were 50% of the Pennsuco mitigation costs (currently \$6142/acre).

f) **MOTION by Janet Llewellyn:** The Committee recognizes improvements and enhancements from District mitigation treatments qualify for mitigation credits. The lift earned from ongoing treatments of other and federal lands will be available for the Rock Miner's 2003 lift reporting with the understanding that at some date in the future the Committee will transfer the money from the Lake Belt Trust Fund to the District to pay for those restoration and mitigation costs. The District will be responsible for maintaining detailed records of lands treated and reporting periodically to the Committee the outstanding balance of the funds expended.

c) Motion passed unanimously.

8. Update on Mitigation Options (Connie Ramsey, USACOE) Connie presented a schedule titled "Summary of Mitigation Alternatives" (**Attachment #5**) dated 11/13/03 for the committee review and discussion. The Subcommittee will meet in the next few months to try to estimate the implementation timeframes and potential lift for the different alternatives.

9. Timeframe/Costs Re: "Florida Rock Industries Proposed Land Exchange" (**Attachment #6**) (Janet Llewellyn) Janet discussed the latest developments concerning the proposed land exchange and said that the State would want the Committee to purchase the Pennsuco land if the exchange was completed. Terrie Bates said she would prefer that the Committee purchase the land at a later date, since it was a sure thing. Janet agreed and said she would discuss with State Lands the potential for holding onto the land for a few years..

10. Lake Belt Mitigation Fee Audit Survey Results (Greg Rogers, SFWMD) Greg Rogers was unavailable to attend this meeting. Therefore the Committee tabled any discussion of this item until the next meeting. See **Attachment #7** – Briefing on Lake Belt Audit Survey.

11. Public Comment: None

## 12. Next Meeting

- a) The Committee recognized the need to review and approve the LBMC Annual Report prior to the end of January 2004. Lee Chitty will draft the report and provide committee members copies for comments and changes. Upon return of the comments and changes, Lee will prepare a final draft for a teleconference discussion on January 30, 2004 at 8:30 AM.
- b) Next regular scheduled meeting is April 16, 2004, 9-12 AM at the SFWMD.

13) New LBMC Website Demonstration (Debra Case) Debra Case reviewed and demonstrated the revised website of the LBMC.

14) Adjourn

## ACTION ITEMS

**Action #1** - Terrie Bates will schedule a wetland assessment of the BBCW/Model Lands area early next year so the Committee will have a better idea of potential lift from preservation/restoration efforts. Information will also be brought back to the committee at the next meeting regarding the potential for reimbursement for previously purchased land within the BBCW.